



Docket No.: 20722 US1 (C038435/0175476)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Beat FLUEHMANN *et al.*

Serial No.: 10/766,118

Filed: January 27, 2004

For: **PHYTANIC ACID DERIVATIVE  
COMPOSITIONS AND METHOD OF  
TREATING AND/OR PREVENTING  
DIABETES MELLITUS**

)  
) Examiner: not yet assigned  
) Art Unit: 1632  
)

New York, New York  
April 22, 2004

**INFORMATION DISCLOSURE STATEMENT UNDER RULE 1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants wish to make of record the following documents (Form PTO-1449 is enclosed). Copies of these documents are not being submitted herewith, because each was made of record in Parent Application Serial Nos. 09/915,152, filed July 25, 2001 to which the present application claims benefit under 35 USC §120. *See*, 37 CFR 1.98(d).

**FOREIGN PATENT DOCUMENTS**

B1 WO 97/09039  
B2 DE 196 44 422 A1

## OTHER DOCUMENTS

- C1 Derwent English language abstract of JP 52 085125 (1977)
- C2 Derwent English language abstract of DE 196 44 422 (Document B2 above)
- C3 Lemotte *et al.*, "Phytanic acid is a retinoid X receptor ligand," Eur. J. Biochem., Vol. 236, No. 1, pp. 328-333 (1996)
- C4 McCarty, M.F., "The chlorophyll metabolite phytanic acid is a natural retinoid – potential for treatment and prevention of diabetes," Medical Hypotheses, Vol. 56, No. 2, pp. 217-219 (2001)
- C5 Mukherjee *et al.*, "Sensitization of diabetic and obese mice to insulin by retinoid X receptor agonists," Nature, Vol. 386, No. 6623, pp. 407-410 (1997)
- C6 Van Den Branden *et al.*, "Phytol and Peroxisome Proliferation," Pediatric Research, Vol. 20, No. 5, pp. 411-415 (1986)

Document B2 above is not in English. Therefore, an English language abstract is being provided as Document C2.

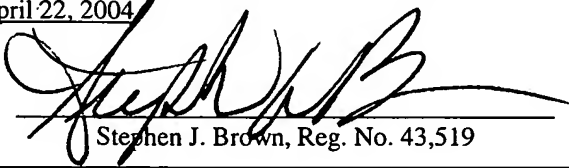
Applicants request that these documents be considered by the Examiner before issuance of a first office action on the merits and made of record in this file. The Examiner is also asked to initial and return a copy of the enclosed PTO-1449 form to evidence such consideration.

This Information Disclosure Statement is being filed in accordance with the following provisions:

- [x] CFR § 1.97(b)(1) Within three months of the filing date of the national application. No fee is required.

If it is determined that a fee is required as set forth in 37 CFR § 1.17(p) or 1.17(i)(1), or if any additional fees are required, please charge such fee to Deposit Account No. 02-4467. A duplicate copy of this document is enclosed.

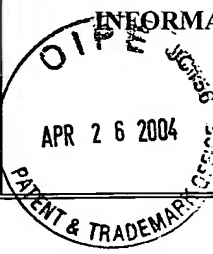
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on April 22, 2004

  
Stephen J. Brown, Reg. No. 43,519

Respectfully submitted,

By: 

Stephen J. Brown  
Registration No. 43,519  
BRYAN CAVE LLP  
1290 Avenue of the Americas  
New York, NY 10104  
Phone: (212) 541-2000  
Fax: (212) 541-4630

Form PTO-1449 (Rev. )	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 20722 US1 (C38435/0175476)	SERIAL NO. 10/766,118
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>   (Use several sheets if necessary)		APPLICANT Beat FLUEHMANN, <i>et al.</i>	
		FILING DATE January 27, 2004	GROUP 1632

## U.S. PATENT DOCUMENTS

Examiner Initial	Cite No.	U.S. Patent Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	B1	WO 97/09039	3/1997	PCT				
	B2	DE 196 44 422 A1	10/1996	Germany				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

C1	Derwent English language abstract of JP 52 085125 (1977)
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C3	Lemotte <i>et al.</i> , "Phytanic acid is a retinoid X receptor ligand," <u>Eur. J. Biochem.</u> , Vol. 236, No. 1, pp. 328-333 (1996)
C4	McCarty, M.F., "The chlorophyll metabolite phytanic acid is a natural rexinoid – potential for treatment and prevention of diabetes," <u>Medical Hypotheses</u> , Vol. 56, No. 2, pp. 217-219 (2001)
C5	Mukherjee <i>et al.</i> , "Sensitization of diabetic and obese mice to insulin by retinoid X receptor agonists," <u>Nature</u> , Vol. 386, No. 6623, pp. 407-410 (1997)
C6	Van Den Branden <i>et al.</i> , "Phytol and Peroxisome Proliferation," <u>Pediatric Research</u> , Vol. 20, No. 5, pp. 411-415 (1986)

EXAMINER	DATE CONSIDERED
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Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.